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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,332

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Ghasi R. Agrawal

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07/17/2008

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EXAMINER

NGUYEN, STEVE N

ART UNIT

PAPER NUMBER

2117

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/701,332	<b>Applicant(s)</b> AGRAWAL ET AL.	
	<b>Examiner</b> STEVE NGUYEN	<b>Art Unit</b> 2117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

Claims 15-26 are currently pending.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/6/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the rejection(s) of claim(s) 15-26 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is provided below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 and 21 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Claims 15 and 21 recite, “adding access to additional redundant memory which without replacing failed memory”. The omitted structural cooperative relationships are: the relationship between a failed memory and access to additional redundant memory. It is unclear how the replacement of failed memory is relevant in the claim.

It appears that the negative limitation “without replacing failed memory” was recited strictly to overcome the prior art (Tanishima). This negative limitation renders the claim indefinite because it an attempt to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. In re Schechter, 205 F.2d 185, 98 USPQ 144 (CCPA 1953).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15, 16, 21, and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Frankowsky (US Pat. 6,961,880) in view of Miller et al (US Pat. Pub. 2003/0237061; hereinafter referred to as Miller).

As per claims 15 and 21:

Frankowsky teaches a method for testing memory, said method comprising:

- testing functional memory (Fig. 2, 22; col. 2, lines 49-51);
- repairing the functional memory by adding access to redundant elements (Fig. 2, 24; col. 2, lines 51-52);
- after repairing the functional memory by adding access to redundant elements, adding access to additional redundant memory which is not required for the repair (col. 2, lines 65-67); and
- after repairing the functional memory and adding access to the additional redundant memory which has been added which was not required for the repair, testing the additional redundant memory which has been added which was not required for the repair (col. 2, lines 65-67).

Not explicitly disclosed by Frankowsky is re-testing the functional memory which has been repaired. However, Miller in an analogous art teaches re-testing the functional memory which has been repaired (Fig. 1; 16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to re-

testing the functional memory which has been repaired. This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that doing so would have ensured that the repair was effective (Miller; paragraph 5).

As per claims 16 and 22:

Frankowsky further teaches using repair information to repair the memory (col. 2, lines 51-54).

Claims 17-20 and 23-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Frankowsky in view of Miller in view of Tanishima et al (US Pat. 6,999,357; hereinafter referred to as Tabishima).

As per claims 17-20 and 23-26:

Frankowsky and Miller substantially teach the testing mode and method as detailed above. However, not explicitly disclosed is forcing usage of redundant elements which are not needed to be used for repairing the memory; and checking interaction between redundant elements.

However, Tanishima in an analogous art teaches forcing usage of redundant elements which are not needed to be used for repairing the memory; and faking defects to remap good elements with redundant elements (col. 6, lines 30-44 and col. 7, line 66 to col. 8, line 8). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to force usage of redundant elements which are not needed to be used for repairing the memory. This modification would have

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been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that doing so would have enabled one to perform testing on the redundant memories without actual replacement with the redundant memory cell array (Tanishima; col. 8, lines 5-8).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVE NGUYEN whose telephone number is (571)272-7214. The examiner can normally be reached on M-F, 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cynthia Britt/  
Primary Examiner, Art Unit 2117

Steve Nguyen  
Examiner  
Art Unit 2117